

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:96CR46
)	
v.)	
)	
LEON DELMAR MILTON,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion for reduction of sentence (Filing No. 534), which is filed pursuant to 18 U.S.C. § 3582(c)(2) and USSG § 1B1.10. The defendant seeks a reduction of his sentence premised on the recent adjustments to the sentencing guidelines for crack cocaine.

On September 15, 1997, defendant entered a plea of guilty to Count I of an information which charged him with a conspiracy to distribute cocaine base. On December 29, 1997, defendant was sentenced to a term of three hundred sixty (360) months imprisonment pursuant to sentencing guidelines which called for a sentence of three hundred sixty (360) months to life. He was found responsible for 5.268 kilograms of crack cocaine. The original base offense level was 38, and his total offense level was 41.

Under the revised guidelines, § 2D1.1(1), the base offense level for cocaine base (crack cocaine) involving 4.5

kilograms or more is level 38. Since the defendant's base offense level does not change under the new guidelines, his total offense level remains at 41, with a criminal history category of VI. Under the revised guidelines, this calls for a sentence of three hundred sixty months to life. Defendant is not entitled to any reduction of his sentence as a result of the recent modifications of the guidelines and his motion will be denied. Accordingly,

IT IS ORDERED that defendant's motion for modification or reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) is denied.

DATED this 9th day of April, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court